

HOUSE BILL REPORT

SHB 2354

As Passed House:
February 9, 2012

Title: An act relating to adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions.

Brief Description: Adding trafficking in stolen property in the first and second degrees to the six-year statute of limitations provisions.

Sponsors: House Committee on Public Safety & Emergency Preparedness (originally sponsored by Representatives Orwall, Asay, Hurst, Upthegrove, Armstrong, Ladenburg and Kenney).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/24/12, 1/31/12 [DPS].

Floor Activity:

Passed House: 2/9/12, 97-0.

Brief Summary of Substitute Bill

- Extends the statutes of limitations from three to six years for the crimes of Trafficking in Stolen Property (motor vehicles and motor vehicle parts) in the first or second degree.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Hurst, Chair; Ladenburg, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton, Armstrong, Goodman, Hope, Kirby, Moscoso and Ross.

Staff: Yvonne Walker (786-7841).

Background:

Statutes of limitations are legislative declarations of the period after the commission or discovery of an offense within which actions may be brought on certain claims, or during

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which certain crimes may be prosecuted. Once a statute of limitations has expired, there is in place an absolute bar to prosecution.

Statutes of limitations vary according to the crime. In general, simple misdemeanors must be prosecuted within one year, gross misdemeanors must be prosecuted within two years, and felony offenses must be prosecuted within three years of the commission of the crime. However, the limitation period may be varied by statute, and there is no limitation on the time within which a prosecution must commence for the crimes of Murder, Homicide by Abuse, Vehicular Homicide, or for the crimes of Vehicular Assault, Hit and Run injury-accident, or Arson, if death results.

If no period of limitation is statutorily declared for a felony offense, no prosecution may be commenced more than three years after its commission.

A person is guilty of Trafficking in Stolen Property in the first degree if he or she knowingly initiates, organizes, plans, finances, directs, manages, or supervises the theft of property for sale to others or knowingly traffics in stolen property. Trafficking in Stolen Property in the first degree is a seriousness level IV, class B felony offense.

Trafficking in Stolen Property in the second degree occurs when a person recklessly traffics in stolen property. Trafficking in Stolen Property in the second degree is a seriousness level III, class C felony offense.

There is no statutorily declared statute of limitations for the crime of Trafficking in Stolen Property. Accordingly, a prosecution for this offense must be commenced within three years of its commission.

Summary of Substitute Bill:

The statute of limitations is extended from three to six years for Trafficking in Stolen Property where the stolen property is a motor vehicle or a major component part of a motor vehicle. A prosecution may be commenced up to six years after commission of the offense or after discovery of the offense, whichever is later.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Over the last several years, the Washington State Patrol's Stolen Vehicle Task Force has been dismantled due to lack of funds and this has made investigations difficult. There may only be a handful of these trafficking cases out there, but they can take years to resolve. Criminals should not be able to benefit in any way from the selling or trading of

stolen property. This bill will not affect current sentencing guidelines but it will help in the investigations of stolen property and holding criminals accountable.

This bill is a recommendation from the Washington Auto Prevention Task Force. It is also a priority for the Washington Association of Sheriffs and Police Chiefs. The bill will give law enforcement the ability to investigate complex rings of auto theft and will help as they go after the most prolific offenders. Law enforcement is equipped with some amazing resources and technology in order to investigate crimes and pursue criminals but these items are futile without sufficient legislation that enable police and prosecutors to hold offenders accountable. This legislation is a great tool that will make a difference.

(Opposed) None.

Persons Testifying: Representative Orwall, prime sponsor; Representative Asay; Jo Arlow, Washington Association of Sheriffs and Police Chiefs; Ty Sagiao, Kent Police Department and South King County Auto Theft Task Force; and Brian J. Wilson, Federal Way Police Department and South King County Auto Theft Task Force.

Persons Signed In To Testify But Not Testifying: None.